

SENATE FILE NO. SF0013

Temporary delegation of parental authority.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to children; providing that a parent or
2 guardian may temporarily delegate parental authority to
3 another person; specifying exceptions; specifying
4 limitations; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 3-2-401 and 14-2-207 are created to
9 read:

10

11

ARTICLE 4

12

TEMPORARY DELEGATION OF PARENTAL AUTHORITY

13

14

3-2-401. Temporary delegation of parental authority.

15

1 (a) A parent or a guardian of a minor, incompetent
2 person or ward, by a properly executed power of attorney
3 delivered to the delegatee and subject to subsection (c) of
4 this section, may delegate to that delegatee, for a period
5 not exceeding six (6) months, except as provided in
6 subsection (b) of this section, any of the parent's or
7 guardian's powers regarding care and custody of the minor,
8 incompetent person or ward, except that no parent or
9 guardian shall delegate the power to consent to marriage or
10 adoption.

11

12 (b) A member of any branch or service of the military
13 who is a parent or guardian of a minor, incompetent person
14 or ward may execute a power of attorney pursuant to this
15 section for not more than two (2) years.

16

17 (c) A delegating parent or guardian shall provide
18 notice to any non-delegating parent before executing a
19 power of attorney pursuant to this section. In the event
20 the delegating parent or guardian is a member of any branch
21 or service of the military, then notice to a non-delegating
22 parent shall be provided by the delegatee within thirty

1 (30) days of exercising any delegated parental authority
2 pursuant to this section.

3

4 (d) A delegation of powers pursuant to this section
5 shall not:

6

7 (i) Diminish or limit the rights of any
8 non-delegating parent or guardian to direct the care and
9 custody of the minor, incompetent person or ward, if the
10 non-delegating parent's or guardian's rights have not
11 otherwise been terminated or relinquished as provided by
12 law. If parents share legal custody and only one (1)
13 delegates rights, the delegation will only affect the
14 delegating parent's own parental authority regarding care
15 and custody of the child and the delegatee shall only make
16 day-to-day decisions and shall not be able to make
17 decisions that would impact major issues such as changing
18 school, religious training, or non-routine medical care. If
19 a parent is present to make decisions for the child, a
20 delegatee may not interfere;

21

22 (ii) Affect any parental or legal authority
23 otherwise limited by a court order;

1

2 (iii) Affect or limit the power of any court
3 under this title to appoint any guardian or conservator for
4 a child, incompetent person, or ward.

5

6 (e) The execution of a power of attorney by a parent
7 or guardian pursuant to this section shall not be evidence
8 of abandonment, abuse or neglect as defined in W.S.
9 14-3-202.

10

11 (f) A parent or guardian executing a delegation of
12 authority under subsection (a) or (b) of this section may
13 withdraw or revoke that delegation at any time by giving
14 written notice to the delegatee.

15

16 **14-2-207. Temporary delegation of parental authority.**

17

18 A parent may delegate that parent's own parental authority
19 to another person as provided by W.S. 3-2-401.

20

21 **Section 2.** This act is effective July 1, 2022.

22

23

(END)